

## CHAPTER 4: OVERLAY DISTRICTS

### **ARTICLE 1. OVERVIEW**

#### **4.1.1. Definition and Purpose**

An overlay is a zone that is placed on the Official Zoning Map Aover@the existing zoning districts as detailed within Chapter 3. An overlay designation is not a separate district classification. It is attached to an existing district designation and identifies an area subject to supplemental regulations. Lands affected by an overlay zone are subject to the regulations of the underlying zoning district, as well as the rules of the overlay zone. The overlay may modify or eliminate regulations of the underlying zone, or it may introduce additional regulations for the overlay district. Land included within an overlay district shares characteristics which qualify it for special consideration and which distinguish it from adjacent land not included in the overlay district.

#### **4.1.2. Overlay Districts**

The following table lists the overlay districts included in this Ordinance:

DISTRICT	DISTRICT NAME
<b>Overlay Districts</b>	
<b>AIR</b>	Airport Overlay District
<b>HIS</b>	Historic Overlay District
<b>CO-GW</b>	Corridor Overlay District - City of Greenwood Main Street
<b>O-MV</b>	Mill Village Overlay District

#### **4.1.3 Conflicts**

In the event that a conflict exists between the underlying zoning district regulations and the overlay district regulations, the more restrictive regulations shall apply.

#### **4.1.4. Nonconformities**

Unless otherwise addressed in this Chapter, nonconforming uses shall adhere to the provisions of *Chapter 10 - Nonconformities*.

## **ARTICLE 2. AIR - AIRPORT OVERLAY DISTRICT**

### **4.2.1. Purpose**

The regulations set forth in this section are designed to protect, promote, and improve the public safety and general welfare by preventing the location of structures or natural growth which would constitute hazards or obstructions to aircraft operating in the vicinity of the Greenwood County Airport. Through these regulations, a general compatibility between use of property within the airport and in the vicinity thereof can effectively be brought about.

### **4.2.2. Zones**

In order to carry out the provisions of Article 2 of this ordinance, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones, and conical zones. Such areas and zones are shown on Greenwood County Airport Zoning Map consisting of one sheet and dated November 1973, which is attached to this ordinance and made a part hereof. The various zones are hereby established and defined as follows:

- A. Instrument Approach Zone - An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- B. Non-instrument Approach Zone - A non-instrument approach zone is established at each end of all non-instrument runways for non-instrument landings and takeoffs. The non-instrument approach zone shall have a width of 400 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,400 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- C. Transition Zones - Transition zones are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line 200 feet on either side of the centerline of the non-instrument runway, for the length of such runways plus 200 feet on each end; and 500 feet on either side of the centerline of the instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and non-instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects

through and beyond the limits of the conical zone extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.

- D. Horizontal Zone - A horizontal zone is hereby established as the area within an oval with its foci at the Airport Reference Points and having a radii of 10,000 feet. The Airport Reference Points are located 1,000 feet beyond the end of Runway 27 and 200 feet beyond the end of Runway 9, respectively along the runway centerlines, as existing on January 1, 2000. The horizontal zone does not include the instrument and non-instrument approach zones and the transition zones. This zone is shown on the Approach and Profile Plan prepared for Greenwood County Airport by Wilbur Smith and Associates, dated 1/89, Project No. 245490, Sheet 2 of 5.
- E. Conical Zone - A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 5,000 feet. The conical zone does not include the instrument approach zones and transition zones. The 5,000 feet limit identified herein is 1,000 feet greater than that shown on the Approach and Profile Plan. This zone is shown on the Approach and Profile Plan prepared for Greenwood County Airport by Wilbur Smith and Associates, dated 1/89, Project No. 245490, Sheet 2 of 5.

#### 4.2.3. Height Limitations

Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by Article 2 of this ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

- A. Instrument Approach Zone - One (1) foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway. Thence one (1) foot in height for each forty (4) feet in horizontal distance to a point 50,200 feet from the end of the runway;
- B. Non-instrument Approach Zones - One (1) foot in height for each 40 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point 10,200 feet from the end of the runway;
- C. Transition Zones - One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 200 feet normal to and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a height of 150 feet above the airport elevation, which is 631 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zones, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone

and extending a distance of 5,000 feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended;

- D. Horizontal Zone - 150 feet above the airport elevation or a height of 781 feet above mean sea level;
- E. Conical Zone - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 250 feet above the airport elevation; and
- F. Excepted Height Limitations - Nothing in this ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 50 feet above the surface of the land.

Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail.

#### **4.2.4. Use Regulations**

Notwithstanding any other provisions of this ordinance, no use may be made of land within any zone established by Article 2 in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

## **ARTICLE 3. HIS - HISTORIC OVERLAY DISTRICT**

### **4.3.1. Purpose**

The Historic Overlay District (HIS) is designed to:

- A. Identify and protect the historic character which represents the governing body's cultural, social, economic, political, and architectural significance;
- B. Encourage preservation, restoration, and rehabilitation of structures, neighborhoods, and districts, thus preventing future urban blight;
- C. Foster civic pride and education about the beauty and significance of local history;
- D. Conserve and improve the value of properties designated as landmarks or that reside within districts designated as locally and historically significant; and
- E. Encourage harmonious and efficient growth and development throughout Greenwood County.

By encouraging a general harmony of style, form, proportion, and material between structures of historic design and those of contemporary design, historic structures and historic districts will continue to have a distinctive and unique appearance and will serve as visible reminders of the historical and cultural heritage of the municipality, county, and the State of South Carolina.

### **4.3.2. Definitions Specific to this Article**

**ALTERATION:** Any act or process that changes one or more of the exterior architectural features of a structure, including but not limited to, the erection, construction, reconstruction, or removal of any structure.

**CERTIFICATE OF APPROPRIATENESS:** Document issued by the Board of Architectural Review (BAR) following a prescribed review procedure, certifying that the proposed actions by an applicant are found acceptable in terms of design criteria relating to the individual property or the historic district in which the property resides.

**CERTIFICATE OF ECONOMIC HARDSHIP:** A certificate issued by the Board of Architectural Review authorizing an alteration, construction, removal, or demolition, based on the ability to meet one or more of the criteria for substantial hardship, even if a Certificate of Appropriateness has previously been denied.

**CONSTRUCTION:** The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

**DEMOLITION:** Any act or process that destroys, in part or in whole, a landmark or a structure within an historic district.

**DEMOLITION BY NEGLECT:** The partial or full removal of a structure due to the lack of sound structural condition caused by the absence of routine maintenance and repair.

**EXTERNAL ARCHITECTURAL APPEARANCE:** The architectural character and general

composition of the exterior of a structure, including, but not limited to, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

**HISTORIC OVERLAY DISTRICT:** Area designated as an historic overlay district by ordinance of the City/County Councils and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated individually as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

**HISTORIC PROPERTY:** Any place, building, structure, work of art, fixture, or similar object that has been individually designated by City/County Councils or designated as a contributing property within an historic district or zone.

**LANDMARK:** A property or structure designated as a landmark by ordinance of the City/County Councils, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its local historic and/or architectural significance.

**REHABILITATION:** To restore a structure or property to good condition, including but not limited to sound structural condition.

**RELOCATION:** Any movement of a structure within its site or to another site.

**REPAIR:** Any change that is not construction, relocation, or alteration, and made with in-kind materials and methods.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including but not limited to the following: buildings, manufactured and mobile homes, fences, walls, gazebos, screen enclosures, gates, advertising signs, billboards, backstops and recreational fixtures, radio and television antennas, including support towers, cellular towers, fountains, and swimming pools.

**SUBSTANTIAL HARDSHIP:** Hardship, caused by unusual and compelling circumstances, based on one or more of the following:

- A. The property cannot reasonably be maintained in the manner dictated by the ordinance;
- B. There are no other reasonable means of saving the property from deterioration, or collapse; or
- C. The property is owned by a non-profit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

#### 4.3.3. Board of Architectural Review

The role of the Board of Architectural Review is to implement the provisions of the Historic Overlay District regulations included in this Article. The composition, terms and other organizational requirements of the Board are provided in *Chapter 11, Article 9* and the administrative procedures

are provided in *Chapter 12* of this Ordinance.

#### **4.3.4. Historic Property Inventory and Map**

The Board shall keep and maintain a local inventory of buildings, structures, objects, and sites more than 50 years of age, as they are amended to the Historic Overlay Zone.

In order to identify structures and sites within the Historic Overlay Zone, an Historic Overlay Zoning Map shall be adopted as part of the Greenwood City/County Zoning Map, and shall be updated as properties are amended to the Zoning Ordinance.

#### **4.3.5. Designation of Historic Properties**

Buildings, structures, objects or sites proposed to be included in an Historic Overlay District must first be designated by the Board of Architectural Review as historically significant, based upon the following criteria:

- A. The structure is of a documented age of 50 years of age or older;
- B. The property or any structure on a property has significant inherent character, interest, or value as part of the development or heritage of Greenwood County, the State of South Carolina, or the United States of America;
- C. The property or any principal structure on a property is the site of a significant event in history;
- D. The property or any principle structure on a property is associated with a person or persons who contributed significantly to the culture and development of Greenwood County, the State of South Carolina, or the United States of America;
- E. The property or any structure on a property exemplifies the cultural, political, economic, social, ethnic, or historical heritage of Greenwood County, the State of South Carolina, or the United States of America;
- F. The property or any structure on a property contains elements of design, detail, materials, or craftsmanship that represents a significant innovation or the work of a designer who has significantly influenced the visual or architectural development of the community;
- G. The property or any structure on a property is part of or related to a distinctive element of community planning;
- H. The property or any structure on a property represents an established and familiar visual feature of the neighborhood; or
- I. The property or any structure on a property individually, or as part of a collection of resources, embodies distinguishing characteristics of a style, type, period, or unique quality in architecture, engineering, landscape architecture, or artistry.

After the designation of buildings, structures, objects or sites as historically significant, the Board shall recommend to the Greenwood City/County Planning Commission and the City Council that an

amendment be made to the Ordinance either establishing or modifying the existing Historic Overlay District.

#### **4.3.6. Process for Establishment or Modification of an Historic Overlay District**

To establish or modify an existing Historic Overlay District, the following steps shall be completed:

- A. The property owner or his/her agent shall make application to the Board of Architectural Review for Historic Overlay designation;
- B. The Board considers designation of proposed buildings, structures, objects, or sites as historically significant;
- C. If the Board bestows historic designation on the buildings, structures, objects or sites, the Board shall recommend that the Zoning Ordinance be amended to either establish a new Historic Overlay District, or to modify an existing district to include the proposed buildings, structures, objects or sites;
- D. If amendment to the Zoning Ordinance is recommended, the Board shall develop proposed design criteria for the proposed new Historic Overlay District or modifications to design criteria in an existing district as appropriate;
- E. An application is made to amend the Ordinance by establishment or modification of an Historic Overlay District. Amendments for Historic Overlay Districts follow the procedures for zoning amendments as outlined in *Chapter 12, Article 3 - Zoning Amendments* of this Ordinance;
- F. The Planning Commission reviews the proposed amendment and makes a recommendation to City Council;
- G. The City Council conducts a public hearing on the proposed amendment; and
- H. The City Council has final reading on the proposed amendment. If adopted, the Zoning Ordinance and the Official Zoning Maps are updated to reflect the amendment.

##### **4.3.6.1. Owner Notification**

Owners of properties proposed to be designated as historic shall be notified in writing at least 30 days prior to public hearing by the City Council. Owners may appear before the Council to speak in favor or against such a designation.

##### **4.3.6.2. Identification of Zoning Map**

The City Council and the Board of Architectural Review shall identify all locally designated properties and historic overlay districts on the Greenwood City/County Zoning Map upon approval.

#### **4.3.7. Nominations to the National Register**

The Board shall have first review and evaluation of all proposed nominations to the National Register of Historic Places for properties and districts within their jurisdiction, prior to review by the



State Board of Review within the South Carolina Department of Archives and History.

The Board may send recommendations to the State Historic Preservation Office for consideration during the State's review. The Board shall not nominate any property directly to the National Register; only the State Board of Review shall have this authority.

#### **4.3.8. Certificate of Appropriateness**

A Certificate of Appropriateness is required before a building permit can be issued for the demolition, repair, alteration, relocation, and new construction of a designated historic property and/or district. The City of Greenwood shall consider any building permit not issued in conformance with this Ordinance void.

Application for a Certificate of Appropriateness shall be obtained from the Greenwood City/ County Planning Department. The completed application shall be filed along with three (3) complete sets of all required plans with the Greenwood City/County Planning Department. Applications are reviewed and granted or denied by the Board at their regular meetings. Procedures for application and review for Certificates of Appropriateness are included in *Chapter 12, Article 2 - Zoning Review*. Appeal of the decisions or actions of the Zoning Official or his/her agent in the processing of applications for Certificates of Appropriateness are made to the Board of Architectural Review. Appeals of the actions of the Board of Architectural Review in granting or denying a Certificate of Appropriateness are made to the Circuit Court of Greenwood County. Procedures for appeal to administrative decisions made by staff in the granting of Certificates of Appropriateness are outlined in *Chapter 12, Article 5 - Administrative Appeals*.

#### **4.3.9. Design Guidelines**

##### **4.3.9.1. Purpose**

It is the intent of this Article to ensure, to the extent that is possible, that properties designated as historic shall be in harmony with the historical value and architectural character of the City of Greenwood. By the granting of a Certificate of Appropriateness, the Board shall consider the historical and architectural significance of the structure and property under review, its exterior form, and the appearance of any proposed changes or additions to the structure, as well as the impact of such changes upon the environment in which the structure is located and the structures within the vicinity of the structure.

##### **4.3.9.2. The Secretary of the Interior's Standards for Rehabilitation**

When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making decisions. For the protection of historic districts and buildings, the Board may adopt standards that are more specific. These guidelines serve as the basis for determining the approval, approval with conditions, or denial of an application.

The Secretary of the Interior's Standards for Rehabilitation include:

- A. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

- B. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings shall not be undertaken.
- D. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- E. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- G. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- H. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- I. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property and its environment.
- J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

#### **4.3.9.3. Specific Design Guidelines for Historic Districts**

**RESERVED - TO BE ADDED AS HISTORIC DISTRICTS ARE DESIGNATED**

**ARTICLE 4. CO-GW -CORRIDOR OVERLAY DISTRICT - CITY OF GREENWOOD MAIN STREET****4.4.1. Purpose**

The purpose of the City of Greenwood Main Street Corridor Overlay District (CO-GW) is to promote harmonious and attractive development within the Main Street Corridor of the City of Greenwood, and to discourage uses that detract from the visual character of the area and the greater community.

**4.4.2. Corridor Area Designation**

The City of Greenwood Main Street Corridor Overlay District includes that portion of U.S. Highway 25 beginning at the intersection of U.S. Highway 25 and Mount Moriah Road and running north to the intersection of U.S. Highway 25 and Calhoun Road/Northside Drive at a distance of 2,500 linear feet on either side from the centerline of U.S. Highway 25 Business.

The City of Greenwood Main Street Corridor Overlay District is delineated on the Official Zoning Maps for Greenwood County.

**4.4.3. Underlying Zoning Regulations**

The use and development of any land or structures within the designated City of Greenwood Main Street Corridor Overlay District shall comply with regulations applicable to the underlying zoning districts, as well as the requirements of this Article, if applicable. All regulations of the underlying zoning district as provided in this Ordinance shall apply except when modified, eliminated, superceded, or additional regulations added by the provisions of this Article.

**4.4.4. Development Standards****4.4.4.1. Signs**

Off-site signs, off-premise signs, and political signs are prohibited within the City of Greenwood Main Street Corridor Overlay District. All other signs shall meet the requirements of *Chapter 6, Article 3 - Signs*.

**ARTICLE 5. O-MV - MILL VILLAGE OVERLAY DISTRICT****4.5.1. Purpose**

The purpose of the Mill Village Overlay District (O-MV) is to promote harmonious and compatible development within mill village communities which complement the character and charm of these neighborhoods.

**4.5.2. Area Designation**

The Mill Village Overlay District is delineated on the Official Zoning Maps for Greenwood County.

**4.5.3. Underlying Zoning Regulations**

The use and development of any land or structures within the designated Mill Village Overlay District shall comply with regulations applicable to the underlying zoning districts, as well as the requirements of this Article, if applicable. All regulations of the underlying zoning district as provided in this Ordinance shall apply except when modified, eliminated, superceded, or additional regulations added by the provisions of this Article.

**4.5.4. Development Standards****4.5.4.1. Accessory Uses**

Accessory uses are allowed as meeting the requirements of *Section 3.2.1.4.* with the exception that accessory structures may be located within the side and rear setback and located at least two (2) feet off of the side or rear property line.